

# Notice of Allowability

Application No.

09/542,392

Examiner

Raymond J. Bayerl

Applicant(s)

RAHEMAN, FAZAL SVED

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to papers filed 3 May 2005.
2. ☒ The allowed claim(s) is/are 249 - 268; all other claims have been canceled.
3. ☐ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date herewith.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

**RAYMOND J. BAYERL**  
**PRIMARY EXAMINER**  
**ART UNIT 2173**

30 June 2005

Art Unit: 2173

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
2. Authorization for this examiner's amendment was given in a telephone interview with Mr. Mossman on 29 June 2005.
3. The application has been amended as follows:

**In the Abstract:**

The second paragraph indentation at line 25 has been removed. This amendment brings the abstract in compliance with those guidelines seen at MPEP 608.01(b).

**In the Drawings:**

The following changes to the drawings have been approved by the examiner and agreed upon by applicant:

**Fig 3**—the reference numeral "52" is added, along with a leader line that points to the browser window containing the text "WELCOME TO THE IQ GATEWAY" (see attached mark-up sheet, which indicates the approved change). This amendment provides a reference numeral in the drawings to correspond to the specification at page 11.

In order to avoid abandonment of the application, applicant must make these above agreed upon drawing changes.

**In the Claims:**

The following approved changes are relative to the copy of claims 249 – 268 that applicant provides at pages 4 – 6 of the response filed 3 May 2005.

**Claim 249, line 2**—"substrate" has been replaced by "substrate";

**Claim 249, line 2**—"deocument" has been replaced by "document";

**Claim 249, line 4**—"simultaneously" has been inserted after "window";

**Claim 249, line 4**—"with the application" has been inserted after "focus";

**Claim 249, line 4**—"non-obstrusive" has been replaced by "non-obtrusive".

The amendments to claim 249 correct typographical errors and also serve to distinguish the claimed invention over the prior art of record.

**Claim 252, line 2**—"etc" has been replaced by "and any other information".

The amendment to claim 252 removes the uncertainty under 35 USC 112, second paragraph that is caused by "etc", and also provides proper antecedent basis.

Claims 257 – 258 were withdrawn from consideration as being drawn to a non-elected species. However, with the indication of allowability of the generic claims, these claims are re-instated:

**Claim 257**—The method of claim 249, wherein such floating window displays in real time, sponsor, application manufacturer, reseller, paid service provider ~~(such as news service, stock brokerage service etc.)~~ messages, or communication between the members of chat groups.

**Claim 258**—The method of claim 249, wherein the floating window is an interface for playing the broadcast media signals of radio or television channel or broadband video.

The amendment to claim 257 removes the uncertainty raised by the phrase including "etc.".

RB

Art Unit: 2173

**Claim 259, line 5**—"areas" has been replaced by "area";

**Claim 259, line 6**—"of" has been replaced by "with";

**Claim 259, line 11**—"etc." has been deleted;

**Claim 259, line 13**—"such as HTML or Java" has been deleted.

The amendments to claim 259 correct grammatical uncertainties and provide proper antecedent basis, along with removing uncertain indications of scope that would cause difficulty under 35 USC 112, second paragraph.

**Claim 260, lines 2 – 3**—"areas" at all occurrences have been replaced by "area";

**Claim 262, line 2**—"etc" has been replaced by "and any other information".

These amendments provide proper antecedent basis and remove the uncertainty caused by "etc".

Claims 267 – 268 were also withdrawn from consideration as being drawn to a non-elected species. With the parent claims' allowability, they are here re-instated:

**Claim 267**—The method of claim 259, wherein such floating window displays in real time, sponsor, application manufacturer, reseller, paid service provider ~~(such as news service, stock brokerage service etc.)~~ messages or communications between the members of chat groups.

**Claim 268**—The method of claim 259, wherein the floating window is an interface for playing the broadcast media signals of radio or television channel or broadband video.

The amendment to claim 267 removes the uncertainty raised by the phrase including "etc".

RB

Art Unit: 2173

4. The following is an examiner's statement of reasons for allowance:

Responsive to applicant's 3 May 2005 amendment and remarks, the Examiner has carefully considered the two independent claims 249, 259, drawn to "A method of creating one or more floating windows". With the entry of the above Examiner's amendment, these independent claims are now deemed not to have been taught nor suggested by the prior art that has been made of record.

**Claim 249:**

This claim has been amended so that the "window simultaneously retains focus with the application", a distinguishing feature over the combination of references earlier relied upon for rejection under 35 USC 103. Specifically, and as applicant notes, the windowing arrangement of Ferguson ("Ferguson"; US #2002/0178232 A1), while providing a window overlay to an application, does not place both the overlay and application window in a state of simultaneously having focus. A similar line of reasoning applies to Wilks et al. ("Wilks"; US #6,246,407 B1), since it is either the multi-state window or the controls beneath it that appear when the window is made transparent that possess focus, but not both at the same time.

**Claim 259:**

This claim is one in which the "window" "is simultaneously in active focus with the same or parallel running application", and this simultaneous focus defines over the best prior art Ferguson and Wilks for reasons similar to those given just above.

Also, the "window" "can neither be closed, moved, manipulated or interacted in any other way than illustrated in (a) through (g)", which distinguishes over Ferguson,

Art Unit: 2173


since the user may arbitrarily decide to close the overlay window, and this is not provided for in the claimed "window"'s list of characteristics "(a) through (g)".

5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raymond J. Bayerl whose telephone number is (571) 272-4045. The examiner can normally be reached on M - Th from 9:00 AM to 4:00 PM ET.

7. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca, can be reached on (571) 272-4048. All patent application related correspondence transmitted by FAX **must be directed** to the central FAX number (703) 872-9306.

8. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2100.

  
RAYMOND J. BAYERL  
PRIMARY EXAMINER  
ART UNIT 2173

30 June 2005

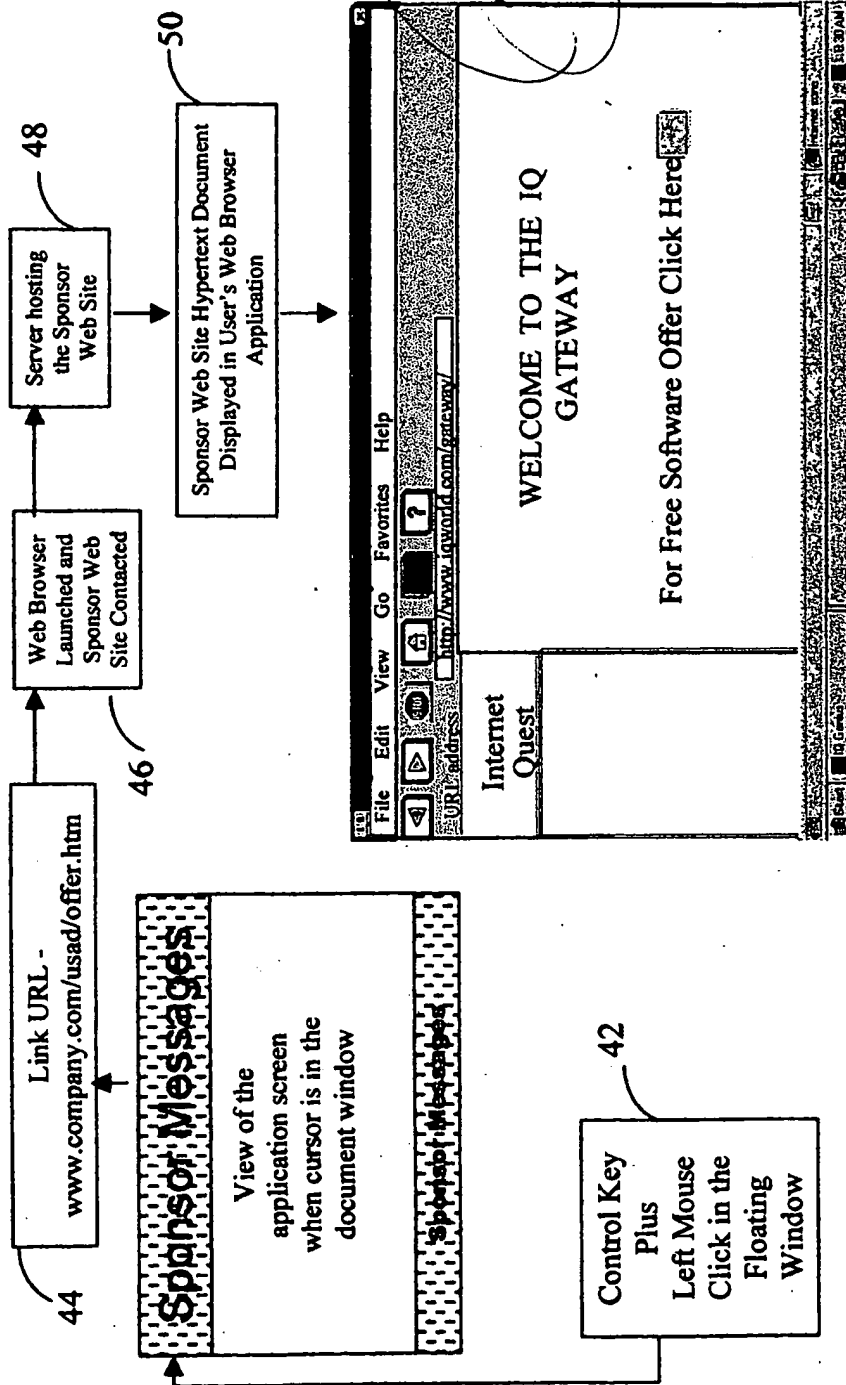


FIG. 3